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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,193	07/31/2003	Grant E. Randall SR.	10,129; 60246-225	2187
26/096 7590 04/14/2009 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER WILKENS, JANET MARIE				
ART UNIT 3637		PAPER NUMBER		
MAIL DATE 04/14/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/631,193

**Applicant(s)**

RANDALL ET AL.

**Examiner**

Janet M. Wilkens

**Art Unit**

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29, 2009 has been entered.

**Please note that after updating the search, the references of Auer and Anderson were discovered. Delay in presenting these rejections is sincerely regretted.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by Auer (4,557,091). Auer teaches an insulated refrigeration panel assembly (see column 1, lines 15-24 wherein it is stated that this type of panel is usable on refrigeration trucks, etc.) comprising: a first panel unit (12) comprising a first skin (20), a second skin (21) spaced generally parallel to the first skin, and a first insulating body (column 2, lines 16-

23) sandwiched between said first skin and said second skin; a second panel unit (12'; Fig. 4) comprising a third skin (20'), a fourth skin (21') spaced generally parallel to said third skin and a second insulating body (column 2, lines 16-23) sandwiched between said third skin and said fourth skin; a third panel unit (12'; Fig. 1) comprising a fifth skin (20'), a sixth skin (21') spaced generally parallel to said fifth skin and a third insulating body (column 2, lines 16-23) sandwiched between said fifth skin and said sixth skin; wherein said first panel unit comprises a first flexible snap fit connector (15,70) and said second panel unit comprises a first mating connector (15'), said first flexible snap fit connector engaging said first mating connector along a first direction; wherein said first panel unit comprises a second flexible snap fit connector (15,14) and said third panel unit comprises a second mating connector (15'), said second flexible snap fit connector engaging said second mating connector along a second direction transverse to said first direction; and wherein said first panel unit comprises a first body (15) and a second body (70), said first body defining a first part of said first flexible snap fit connector and said second body defining a second part of said first flexible snap fit connector.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Anderson et al (4,437,285). Anderson teaches an insulated panel assembly (Fig. 1) comprising: a first panel unit (2) comprising a first skin, a second skin spaced generally parallel to the first skin, and a first insulating body (column 5, lines 30-32) sandwiched between said first skin and said second skin; a second panel unit (2) comprising a third skin, a fourth skin spaced generally parallel to said third skin and a second insulating body (column 5, lines 30-32) sandwiched between said third skin and said fourth skin; a third panel unit (2) comprising a fifth skin, a sixth skin spaced generally parallel to said fifth skin and a third insulating body (column 5, lines 30-32) sandwiched between said fifth skin and said sixth skin; wherein said first panel unit comprises a first flexible snap fit connector (17/18;1,5) and said second panel unit comprises a first mating connector (17/18), said first flexible snap fit connector engaging said first mating connector along a first direction (Fig. 1); wherein said first panel unit comprises a second flexible snap fit connector (17/18;1) and said third panel unit comprises a second mating connector (17/18), said second flexible snap fit connector engaging said second mating connector along a second direction transverse to said first direction (Fig. 17); and wherein said first panel unit comprises a first body (17/18,5) and a second body (1), said first body defining a first part of said first flexible snap fit connector and said second body defining a second part of said first flexible snap fit connector. For claims 10 and 19, Anderson fails to specifically teach that the panel assembly is usable in a refrigeration environment as specified by the preambles of the claims; however, no specific

refrigerator limitations are specified in the bodies of the claims. Therefore, structurally Anderson teaches all of the claimed limitations. Regardless, it would have been obvious to one having ordinary skill in the art at the time of the invention to use the panel assembly of Anderson in a refrigeration assembly, since the panels are insulated and would work well in this environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet M. Wilkens/  
Primary Examiner, Art Unit 3637

Wilkens  
April 11, 2009